

14/Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robin Arthur Ellis CARR et al.

Serial No.: 09/806,840

Examiner: Baker, Maurie Garcia

Filing Date: July 25, 2001

Art Unit: 1627

For: *Chemical Constructs*

Beit
7-22-03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Sir:

This communication is responsive to the Notice of Non-Responsive Amendment mailed 23 May 2003 in the above referenced patent application. A petition for one-month extension of time is submitted herewith.

In the notice, the Examiner states Applicants' election of species is not responsive. The Examiner confirms that Applicants have elected the invention of Group I and have elected the chemical construct in Example 1. Though the Applicants submit that claims 1-13 and 17-23 are readable on the elected species, the Examiner states the election is unclear and requests Applicants to specifically point out what structure in the elected species of Example 1 corresponds to each of the following limitations in the claims: connecting group Y, substrate R, fragment Fr, sensitizing group G, first linking group L1, second linking group L2, and spacer group A.

The scope of Applicants' invention is not limited to the particular structures set forth in Example 1, however, in an effort to clarify the election, Applicants submit that according to Example 1:

Y, the connecting group, comprises the entire structure that links the solid support Q to the substrate R;

R, the substrate, comprises a substrate attached to the "Rink" linker, in this case illustrated by the benzoyl group on the nitrogen of the "Rink" linker (see page 25 line 34 to page 26 line 2);

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Fr, the fragment, comprises the substrate and the portion of the connecting group remaining connected to the substrate following cleavage at the first cleavage site; (see page 26 lines 2-5, resin 7);

G, the sensitizing group, is the free amino group that is liberated after the first cleavage and is capable of undergoing ionization in a mass spectrometer, (see page 22 lines 34, 35);

L1, the first linking group, comprises the substituted nitrobenzyloxycarbonyl linker group (see page 22 lines 32-34);

L2, the second linking group, comprises the "Rink linker (see page 25 lines 25-31, and resin 5); and

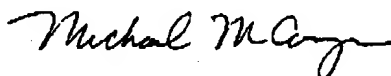
A, the spacer group, comprises the ethylene diamine chain (see page 22 lines 33, 34).

In Example 1, the first cleavage site is between the nitrogen and carbonyl group on the first linking group and releases the fragment, Fr. The second cleavage site in Example 1 is between the nitrogen and carbonyl group (photocleavage of the carbamate group) on the second linking group and is designed to release the substrate.

In addition to the claims originally listed as reading on the elected species in Applicants' prior response to the restriction requirement, claim 27 also reads on the elected species.

If the Examiner has any questions regarding this response, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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